UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,563	04/15/2004	Udo Arend	09334.0012-00	9128

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EXAMINER
VU, THANH T

ART UNIT	PAPER NUMBER
2175	

MAIL DATE	DELIVERY MODE
09/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **_Before the Filing of an Appeal Brief_**	10/825,563	AREND ET AL.
	Examiner	Art Unit
	THANH T. VU	2175

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _1-24_.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
   See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Thanh T. Vu/
Examiner, Art Unit 2175

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's primary argument is that Bartz cannot properly be used in combination with Messinger to arrive at the applicants' invention of claim 1 and 14 which specifically requires that "at least one step not previously performed and not immediately following the selected step in the ordered steps of the particular task is selectable by a user".

The examiner does not agree for the following reasons:

Bartz teaches the feature of at least one step not previously performed and not immediately following the selected step in the ordered steps is selectable by a user by allowing the user to select element A and select element C without having to go through element B. In Bartz, fig. 4A displays three graphical elements A, B, and C in a sequence. It suggests to the user the sequence of which A, B and C should be selected by displaying them in a particular order. However, the user can select these elements in any order that he/she wished because the elements are always active (see, col. 8, lines 49-66 and col. 9, lines 11-17). In addition, Messinger teaches two or more of the ordered steps of a particular task. In Fig. 13A, Messinger teaches ordered steps, step 1 - step n, of a particular Smurf Detection task, see col. 5, lines 55-67; col. 10, lines 8-12. Accordingly, the combination of Messinger and Bartz teaches the feature of "at least one step not previously performed and not immediately following the selected step in the ordered steps of the particular task is selectable by a user."

In addition, the applicant points out that the combination of Messinger and Bartz do not teach "a first pane displaying an active roadmap of two or more of the ordered steps of a particular task and for indicating a selected one of the two or more ordered steps, wherein at least one step not previously performed and not immediately following the selected step in the ordered steps of the particular task is selectable by a user" as recited in claim 1 and 14."

The examiner does not agree for the following reasons:

Messinger teaches a first pane displaying an active roadmap of two or more of the ordered steps of a particular task and for indicating a selected one of the two or more ordered steps of a particular task (fig. 13A; first pane 400; col. 5, lines 55-67; col. 10, lines 8-12; i.e. selected step 1 of ordered steps (step 1 - step n) of a particular Smurf Detection task.) In addition, Bartz teaches the feature of at least one step not previously performed and not immediately following the selected step in the ordered steps is selectable by a user by allowing the user to select element A and select element C without having to go through element B as described above. Accordingly, the combination of Messinger and Bartz teaches "a first pane displaying an active roadmap of two or more of the ordered steps of a particular task and for indicating a selected one of the two or more ordered steps, wherein at least one step not previously performed and not immediately following the selected step in the ordered steps of the particular task is selectable by a user" as recited in claim 1 and 14.".